

1 RANDOLPH L. HOWARD (Nev. SBN 006688)
rhoward@klnevada.com
2 KOLESAR & LEATHAM, CHTD.
400 South Rampart Boulevard, Suite 400
3 Las Vegas, NV 89145
Telephone: (702) 362-7800
4 Direct: (702) 889-7752
Facsimile: (702) 362-9472

5 GARY OWEN CARIS (SBN 88918)
E-mail: gcaris@mckennalong.com
6 LESLEY ANNE HAWES (SBN 117101)
E-mail: lhawes@mckennalong.com
7 MCKENNA LONG & ALDRIDGE LLP
300 South Grand Avenue, 14th Floor
8 Los Angeles, CA 90071
Telephone: (213) 688-1000
9 Facsimile: (213) 243-6330

10 Attorneys for Receiver
11 ROBB EVANS & ASSOCIATES LLC

12 UNITED STATES DISTRICT COURT
13 DISTRICT OF NEVADA
14

15 UNITED STATES OF AMERICA,

16 Plaintiff,

17 v.

18 HOWARD J. AWAND and LINDA
19 AWAND,

20 Defendants.

CASE NO. 2:08-CR-108-KJD-LRL

**[PROPOSED] ORDER DETERMINING
CLAIMS ON THE PROCEEDS FROM
THE SALE OF REAL AND PERSONAL
PROPERTY**

Date: October 18, 2011
Time: 9:00 a.m.
Place: Courtroom 6D

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23 The matter of the Motion for Order Determining Claims on the Proceeds from the Sale of
24 Real and Personal Property ("Motion") concerning the proceeds of sale of property previously
25 owned by Howard J. Awand and Linda Awand ("Receivership Defendants") located at 94 Taber
26 Hill Road, Stowe, Vermont ("Stowe Property") and 503 West Market Street, Vevay, Indiana
27 ("503 West Market Property") and the personal property previously owned by the Receivership
28 Defendants located at the 503 West Market Property and at 806 West Market Street, Vevay,

1 Indiana ("806 West Market Property") filed by Robb Evans & Associates LLC, the receiver
2 ("Receiver") over all assets of Howard Awand and Linda Awand, came on for hearing at the
3 above-referenced date, time and place before the Honorable Kent J. Dawson, United States
4 District Judge presiding. Gary Owen Caris of McKenna Long & Aldridge LLP appeared on
5 behalf of the Receiver; Roger W. Wenthe, Assistant United States Attorney, appeared on behalf
6 of plaintiff United States of America and other appearances, if any, were made as noted in the
7 record at the hearing. The Court having reviewed and considered the Motion and all pleadings
8 and papers filed in support thereof, and having reviewed and considered responses and
9 opposition, if any, to the Motion, and having heard the arguments of counsel, and good cause
10 appearing therefor,

11 IT IS ORDERED that:

12 1. The Motion and all relief sought therein is hereby granted; and

13 2. Without limiting the generality of the foregoing:

14 A. Bank of America's claim to \$83,573.61 in funds held by the Receiver from the
15 sale of the Stowe Property subject to the lien of Bank of America is disallowed, Bank of
16 America's claim and lien secured by the Stowe Property and its proceeds are deemed satisfied in
17 full based on the payment made to Bank of America at close of escrow in the sum of
18 \$623,508.36, and the \$83,573.61 in Stowe Property sale proceeds held by the Receiver for Bank
19 of America is hereby free of any further claim, lien or interest of Bank of America;

20 B. The three mechanic's, materialmen's and/or laborer's liens recorded by Chimney
21 Works, Inc. in the amount of \$2,072.93 (recorded March 19, 2007), Bourne's Inc. in the amount
22 of \$9,659.05 (recorded March 28, 2008), and Ultramar Energy, Inc. in the amount of \$5,616.40
23 (recorded March 25, 2008) (individually and collectively "Mechanic's Liens") do not constitute
24 valid encumbrances against the Stowe Property, such Mechanic's Liens are hereby deemed
25 invalid against the proceeds from the sale of the Stowe Property, and the remaining proceeds of
26 sale of the Stowe Property held by the Receiver are hereby free of any further claim, lien or
27 interest based on the Mechanic's Liens;

1 C. The liens of the State of Indiana pursuant to multiple State Tax Warrants,
2 including but not limited to Indiana State Tax Warrants No. 08073429 in the amount of \$1,928.89
3 filed on August 30, 2010, No. 08073430 in the amount of \$14,736.37 filed on August 30, 2010,
4 No. 08132064 in the amount of \$11,376.62 filed on October 6, 2010, and No. 08132224 in the
5 amount of \$137.31 filed on October 6, 2010 (collectively the "Indiana State Tax Liens") against
6 the 503 West Market Property are disallowed as liens against the proceeds of sale of the 503 West
7 Market Property and are hereby deemed unsecured claims against the receivership estate;

8 D. To the extent that the State of Indiana asserts the Indiana State Tax Liens
9 constitute liens against the proceeds of the sale of the personal property located at the 503 West
10 Market Property and the 806 West Market Property (the "Vevay Personal Property"), the Indiana
11 State Tax Liens are disallowed as liens against the proceeds of sale of the Vevay Personal
12 Property and are deemed unsecured claims against the receivership estate; and

13 E. Notice of the Motion provided by the Receiver by service of the notice of hearing
14 on the Motion on all known creditors of the estate, including but not limited to those whose
15 claims are addressed in the Motion, and other interested parties is approved as sufficient to
16 provide notice and an opportunity for hearing under the circumstances.

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18 Dated: October 18, 2011



19 KENT J. DAWSON
20 United States District Judge
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CERTIFICATE OF SERVICE

I am a citizen of the United States and employed in San Francisco, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 101 California Street, 41st Floor, San Francisco, California, 94111.

On September 15, 2011, I served the notice of **[PROPOSED] ORDER DETERMINING CLAIMS ON THE PROCEEDS FROM THE SALE OF REAL AND PERSONAL PROPERTY** upon the parties and/or counsel listed and by the methods indicated on the attached Service List.

I declare upon the penalty of perjury that the foregoing is true and correct, and that I am employed in the office of a member of the bar of this Court at whose direction the service was made. Executed on September 15, 2011 at San Francisco, California.

/s/ Camilla Glover
Camilla Glover

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SERVICE LIST

The following CM/ECF participants were served by electronic means on September 15, 2011:

| | |
|-----------------------|--|
| Adam H. Braun | adam@braunesquire.com |
| Harland W. Braun | harland@braunlaw.com, january@braunlaw.com |
| Gary Owen Caris | gcaris@mckennalong.com; pcoates@mckennalong.com |
| Nicholas D. Dickinson | nicholas.dickinson@usdoj.gov, melissa.taylor3@usdoj.gov, jackie.peltier@usdoj.gov |
| Lesley Anne Hawes | lhawes@mckennalong.com; pcoates@mckennalong.com |
| Randolph L. Howard | rhoward@klnevada.com, ckishi@klnevada.com, usdistrict@klnevada.com |
| Steven W. Myhre | steven.myhre@usdoj.gov, jean.j.umland@usdoj.gov |
| Kathryn C. Newman | kathryn.newman@usdoj.gov, william.foley@usdoj.gov, jackie.peltier@usdoj.gov, elaine.wollery@usdoj.gov |
| James A. Oronoz | jimoronoz@gmail.com, aliciaaronoz@gmail.com |
| Paul S. Padda | paul.padda@usdoj.gov, eunice.jones@usdoj.gov, judith.richardson@usdoj.gov, doriayn.olivarra@usdoj.gov, mary.booker@usdoj.gov |
| Roger W. Wenthe | roger.wenthe@usdoj.gov, mary.booker@usdoj.gov |

The following non-CM/ECF participants were served by first-class mail, postage prepaid on September 15, 2011:

| | |
|---|---|
| William S. Baker, Esq. P.O. Box 429 133 State Street Montpelier, VT 05601 | Will Baker Assistant Attorney General 109 State Street Montpelier, VT 05609-1001 |
| Bank of America Customer Service CA6-919-01-41 P.O. Box 5170 Simi Valley, CA 93062-5170 | Bank of America c/o Alliance One POB 3101 Southeastern, PA 19398-3101 |

1 Bank of America
 2 POB 15710
 3 Wilmington, DE 19886-5710
 4 Bank of America
 5 Home Equity Loan Servicing
 6 PTX-B-HELOX-Payoff
 7 7105 Corporate Drive
 8 Plano, TX 75024-4100
 9 Chimney Works, Inc.
 10 POB 33
 11 Plainfield, VT 05667-0033
 12 Countrywide Home Loans
 13 POB 660625
 14 Dallas, TX 75266-0625
 15 Deborah MK Kolvan
 16 Bank of America Legal Dept.
 17 CA5-704-04-19
 18 315 Montgomery Street, 4th Floor
 19 San Francisco, CA 94104
 20 Indiana Department of Revenue
 21 Bankruptcy Section, Room N-240
 22 100 North Senate Avenue
 23 Indianapolis, IN 46204-2273
 24 Internal Revenue Service
 25 300 N Los Angeles Street
 26 Mail Stop 5117
 27 Los Angeles, CA 90012
 28 Ultramar Energy, Inc.
 512 Brooklyn St
 Morrisville, VT 05661-8512
 Vermont Dept. of Taxes
 P.O. Box 429
 Montpelier, VT 05601-0429

Bank of America
 c/o First National Collection Bureau
 610 Waltham Way
 Sparks, NV 89434-6695
 Bournes Inc
 POB 547
 Morrisville, VT 05661-0547
 Countrywide Home Loans, Inc.
 McCalla, Raymer, et al.
 Bankruptcy Department
 1544 Old Alabama Road
 Roswell, GA 30076-2102
 Countrywide Home Loans, Inc.
 Bankruptcy Department
 7105 Corporate Drive
 Mail Stop PTX-C-35
 Plano, TX 75024-4100
 Legal Division
 Indiana Department of Revenue MS102
 100 North Senate Avenue, Room N248
 Indianapolis, IN 46204
 Indiana Department of Revenue
 Bankruptcy Section, Room N-240
 100 North Senate Avenue
 Indianapolis, IN 46204-2273
 Internal Revenue Service
 Centralized Insolvency Operations
 PO Box 7346
 Philadelphia, PA 19101-7346
 Vermont Department of Taxes
 133 State Street
 P.O. Box 429
 Montpelier, VT 05601-0429

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The following non-CM/ECF participant was served by electronic mail on September 15, 2011:

Deborah Lea Richards
E-mail: deborah.lea.richards@bankofamerica.com